

REMARKS

The Examiner's continued attention to the present application is noted with appreciation.

Applicants have amended independent claims 1, 5, 6 and 46 to further clarify characteristics disclosed in the specification as follows. Applicants amend each of these independent claims to recite that the system provides energy "after delivery to a location". Support for this amendment is disclosed in the Brief Summary of the invention at page four, paragraph three, and page seven, first paragraph. Each of the independent claims have been amended to recite that the power assembly platform has a substantial weight for stability and resistance to wind toppling (disclosed at page seven, first and third paragraphs). Each of the independent claims has further been amended to recite that the assembly has an electrical output connection "cord" (disclosed at page six, third full paragraph). Still further, the independent claims have also been amended to recite that the invention provides "continuous" and "uninterrupted" electrical energy (disclosed at page four, third paragraph). Finally, each of the independent claims has been amended to recite that the solar panels are "photovoltaic" panels (disclosed at page five, second paragraph of the Detailed Description of the Invention).

Claims 4, 14, 15, 19 and 48 have been canceled and are incorporated into claims 1 and 46.

New claims 62-65 have been added to recite that the power assembly platform is slidably positionable after delivery to a location (disclosed at page seven, first paragraph), and the solar panel tracking system can be a "two-axis" system (disclosed at page five, second paragraph).

In the Office Action, the Examiner rejected claims 1, 9, 13-15, 19, 46, 48-49, 51, 60-61, under 35 U.S.C. 103(a) as being obvious based on US 4261329 (Walsh et al.) in view of US 2002/0153178 (Limonius) and US 4371135 (Keigler).

No combination of the references cited by the Examiner would render obvious Applicants' amended claimed "portable power assembly...having at least one photovoltaic solar panel and a motorized tracking system for automatically moving said at least one photovoltaic solar panel in response to movement of the sun...and an electrical output cord providing power to the remote location or the home, business or other building structure after delivery of the system to the location."

The Examiner stated at page two "the concept of connecting the portable power plant to a building structure is already taught in the primary reference" but the primary reference of Walsh et al. does not teach any similar connection and the device does not even generate any electricity. Walsh et al., is a thermal energy system and does not have a single electrical generating element and does not generate even one watt of electricity, but rather is a "thermal" solar collector system integrated into a modular building structure for heating fluids and air. Walsh et al does not disclose any photovoltaic solar panels, any solar panel tracking system, any back-up generators, any fuel storage containers, batteries, capacity to produce continuous and uninterrupted energy or any electrical output cord connection. Walsh et al. does not teach to generate any electricity or employ any electrical generating or storage devices or providing electrical energy to a remote location, home or building. The function of Walsh et al. would have to be completely changed to produce any electricity. Further, where Walsh et al. employs black body solar panels integrated into the structure, forcing the building to track the sun with any kind of tracking system would require providing electricity to the Walsh et al. device.

The Examiner stated on page three of the Office Action "It would have been obvious to provide electric generators, batteries, and fuel container in Walsh et al. as taught by Limonius for the purpose of generating and storing back-up energy, and to use [the] sun tracking system in Limonius as taught by Keigler for the purpose of more effectively tracking the sun." Limonius does not disclose a photovoltaic solar panel tracking system, the capacity for providing continuous and uninterrupted energy or an electrical output cord. Here the Examiner improperly combines the self-propelled and wholly consumed electrical generating system of Limonius with the modular thermal system of Walsh et al. to reject Applicants' independent claims 1 and 46, namely a transportable platform having a photovoltaic solar panel tracking the sun. There is no teaching to combine the electrical wheel generators, brake-activated generators, back-up steam powered electrical generator, integrated solar cells, and batteries or fuel containers of Limonius, which produce electricity only for use by the electrically propelled racecar vehicle carrying these elements, with the transportable modular thermal energy device of Walsh et al.

Further, Walsh et al. disclose a thermal solar collector integrated into a building structure. This device would not benefit from wheel generators, brake generators or a propulsion system as disclosed by

Limonius. Similarly, Limonius' electrically-propelled racecar would not benefit by adding Walsh et al.'s large heavy fluid-filled solar thermal panels to that car. It is improper to change the Walsh et al. thermal collector structure into an electricity generating racecar by attempting to combine it with Limonius. Adding any electrical-generating or storage elements from Limonius to the Walsh et al. device would render it unsatisfactory for its intended purpose of producing "thermal" solar power. Because the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then the combination of the references is inappropriate. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Therefore, there is no teaching to combine these references and doing so would destroy the primary functions of these two references.

The Examiner stated on page two, "[t]he sun tracking concept is well known in the art and a new reference, US 4371135 (Keigler) is used to reject that concept". Applicants note the solar panel of the Keigler device does not even track the sun. Keigler states "[s]ide 16 carrying solar cells 18 is facing away from the earth and may or may not intercept solar rays.", col. 2, lines 55-57. Keigler's solar panel faces directly away from the earth, "[c]onverter 10 is assumed to be oriented in the plane perpendicular to the earth pointing vector 58 such that the face carrying the solar arrays is facing in the negative direction of the vector 58, that is, opposite to that of arrowhead 59, while the face of the convertor 10 carrying the microwave antennas 14 is facing towards the earth" col. 4, lines 37-43. Keigler does not teach a solar panel which tracks the sun as is claimed by Applicants. Instead, Keigler teaches that a mirror should be configured to track the sun in a circular motion from a geosynchronous orbit, dissimilar to any known earth based tracking system. Keigler clearly does not teach Applicants' "photovoltaic solar panel and a motorized tracking system for automatically moving said at least one photovoltaic solar panel in response to movement of the sun". Keigler does not teach a back-up generator or fuel storage containers, capability for continuous and uninterrupted energy or an electrical output cord. Because Keigler does not disclose these elements or teach Applicants' solar panel tracking system, this rejection is traversed.

Further, the Examiner stated at page three "[i]t would have been obvious...to use the sun tracking system in Limonius as taught by Keigler for the purpose of more effectively tracking the sun". The Examiner improperly combines Limonius with Keigler, to reject Applicants' independent claims 1 and 46,

namely a transportable platform having a solar panel tracking the sun. Even if Keigler actually disclosed a solar panel tracking the sun, which it does not, there is absolutely no teaching to combine any known solar panel tracking system with a moving vehicle as in Limonius. The Limonius racecar, which is dynamically moving through gravitational and erratic centripetal accelerations and vibrations (especially a Formula 1 racing car as disclosed by Limonius) in an unpredictable fashion, would not benefit from any known solar panel tracking system. Further, if one skilled in the art wanted to increase the efficiency of a tracking system, one would never mount it on a formula one racecar. This combination is improper because there is no such disclosure or teaching to combine either reference in Limonius or Keigler and no one skilled in the art could ever have a reasonable expectation of success from such an awkward and forced combination. The prior art can be modified or combined to reject claims as *prima facie* obvious as long as there is a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986) MPEP § 2143.02(I). The Examiner's combination of the Keigler tracking system with the Limonius vehicle does not render obvious Applicants' claimed portable tracking system.

The Examiner further stated at page three "it's well known that all portable power plants and/or vehicle/trailer have electrical outlets for operating devices outside, for example, cigarette lighters, audio system, ...and many more devices. Therefore, the newly added limitations do not define over this rejection." In complete contradiction to the Examiner's conclusion, none of the references cited by the Examiner disclose a single electrical outlet or even an electrical output as claimed by Applicants' claim 1 "an electrical output cord providing power to the remote location or the home, business or other building structure" (emphasis added). The Keigler device can only transmit microwaves from its geosynchronous earth orbit; the Limonius vehicle wholly consumes its output for self propulsion and certainly does not disclose and would not benefit from an electric cord dragging behind the formula 1 racecar. Clearly, the three references cited by the Examiner contradict the Examiner's assertion "that all portable power plants have electrical outlets for operating devices outside".

Applicants' claims are thus not obvious with regard Walsh et al. in view of Limonius and Keigler. The cited art fails to render obvious Applicants' portable platform having solar panels which move to track the sun, as is required by each of Applicants' independent claims 1 and 46. Therefore, each of Applicants'

independent claims is allowable. Likewise, dependent claims 13, 51, 60-61 and new claims 62-65 are thus also allowable.

The Examiner rejected claims 1, 4-8, 13-19, 45-46, 48-49, 51, 56, 58 and 60-61, under 35 U.S.C. 103(a) as being obvious based on US 4553037 (Veazey) in view of Walsh et al., Limonius, and Keigler.

In rejecting the claims, the Examiner combined the saucer ship of Veazey, which is a constantly-moving vehicle like the racecar of Limonius, with Walsh et al., Limonius, and Keigler. Veazey does not disclose a backup generating capability or fuel storage containers and does not disclose an "electrical output cord" or a "motorized tracking system" for solar panels. Veazey does disclose providing "modest" electrical needs, col. 1, lines 56-57, but does not disclose connecting the dynamic saucer ship to a building to provide power to the building as Applicants' claim. Combining the steam generator and fuel of Limonius with Veazey would completely destroy the disclosed function of Veazey of providing renewable "natural energy", col. 1, line 52. Veazey discloses generating electricity without consuming "fossil fuel" and without having "acoustical signatures which can be dangerous in an unfriendly environment", col.1, lines 16-18. Veazey teaches away from any combination of backup electrical generators as the Limonius device discloses and since adding a Limonius generator to Veazey would completely destroy the "natural" "quiet" and non "fossil fuel" burning functions of Veazey. Accordingly, these references cannot be properly combined.

Further, where Veazey is a vehicle like Limonius and subject to centripetal accelerations and vibrations, Keigler's tracking system would not work in combination with the Veazey saucer ship for all the reasons that such a tracking system would not work with the Limonius device and those previously presented arguments are herein incorporated by reference. Further, like the devices of Limonius and Walsh, where their solar panels are integrated into the primary structure of the device, Veazey also discloses solar cells integrated into its primary structure. Therefore, it would not make sense to make the whole saucer ship of Veazey track the sun as the Applicants' photovoltaic panel does. In Veazey, "[s]olar cells 25 are positioned on the deck", col. 3, lines 45-46, and "permanently mounted", col. 1, line 50.

In light of the forgoing, claims 1 and 46 are believed allowable. Dependent claims 5, 6, 8, 13, 16-18, 51, 56, 58, 60-61 are also believed allowable. New claims 62-65 are also believed to be in condition for allowance.


The Examiner also rejected claims 17-18, 36, 54, 57 and 59, under 35 U.S.C. 103(a) as being unpatentable over Veazey in view of Walsh et al., Keigler, Limonius and US 2003/0054329 (Springett).

In so rejecting the claims, the Examiner stated "[i]t would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide a satellite dish in Veazey as taught by Springett for the purpose of communicating with other facilities if needed". Applicants disagree. Combining Springett, which teaches a satellite communication device on a computer classroom parked bus, with the dynamic moving saucer ship platform of Veazey, would require the now moving satellite dish to track a satellite. Requiring a moving satellite communication dish to track a satellite is beyond the scope of the cited references and clearly changes their principles of operation. When the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Claims 17-18, 36, 54, 57 and 59 are thus in condition for allowance.

In view of the above remarks, it is respectfully submitted that all grounds of rejection have been traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicants at the telephone number listed below.

Respectfully submitted,



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